

said first and second formats being recognizably different,
wherein

 said first direction is circumferential relative to said
 jog dial; and

 said second direction is radial relative to said jog
 dial.

—6. (Twice Amended) The portable communication terminal
apparatus according to claim 5,

 wherein said control means causes said display means to
 display a selection item of said high hierarchy on said
 display together with said items of said low hierarchy that
 are linked with said selection item.—

AB/June

REMARKS

Claims 1-6 remain in the application, and claims 5 and 6
have been amended hereby. The claims have been carefully
reviewed and amended with particular attention to the points
raised in the Office Action. It is submitted that no new
matter has been added and no new issues have been raised by
the present amendment.

Attached hereto is a version with markings to show
changes made to the claims by the current amendment.

Applicants acknowledge the indication in the Office
Action that claims 1-4 are allowed.

Applicants note the indication in the Office Action that
the original U.S. Letters Patent No. 5,999,827, or a statement

as to loss or inaccessibility of the original patent, must be received before the present reissue application can be allowed. Applicants have attended to retrieving the original patent and will submit it immediately upon its availability.

Reconsideration is respectfully requested of the rejection of claims 5 and 6 under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent No. 5,758,295 (Ahlberg et al.) in view of U.S. Patent No. 5,237,311 (Mailey et al.).

Applicants have carefully considered the Examiner's comments and the cited references, and respectfully submit that amended claims 5 and 6 are patentable over the cited references for at least the following reasons.

The present invention relates to a communication terminal apparatus having a selection operation unit, and a control method thereof. The communication terminal apparatus includes a selection operation unit and a operation input unit. The communication terminal apparatus includes a rotatable jog dial that may be operated in either a circumferential or radial direction.

A display and menu screen are also included, wherein the menu screen has a hierarchical structure such that it can descend to submenu screens on a next lower layer by click operating the jog dial.

Ahlberg et al., as understood by Applicants, relates to a mobile radio terminal including a display for outputting at least one menu. The menu includes at least one branch for processing phone calls and each of the branches includes at least one option for choosing a corresponding action to be performed by the radio terminal, including causing a

successive branch to be displayed and performing a terminal function.

The Office Action states that Ahlberg et al. fails to disclose selection operation means operable by a user in a first direction along a surface of the body and in a second direction substantially perpendicular to the first direction, and a display layout that is recognizably different when the selection operation means is operated in the first direction than when the selection operation means is operated in the second direction (see Office Action, p. 3, lns. 8-13). Mailey et al. is apparently cited to show the missing elements.

Mailey et al., as understood by Applicants, apparently relates to a trackball rotatably mounted on rollers that are connected with rotational encoders for producing a series of pulses. Up/down counters convert the pulses into an indication of translation along two axes. Downward pressure on the trackball causes a transducer to output an electrical signal that is recognizable as a selection signal. The transducer may have more than one state and may be a strain gauge or other transducer that provides an output whose magnitude varies with an amount of force. A comparator compares the output of the transducer with a threshold to indicate whether a selection signal is to be issued.

The Office Action cites col. 1, lns. 26-31 of Mailey et al. as disclosing a display layout when the selection operation means is operated in the first direction that is recognizably different from the display layout when the selection operation means is operated in the second direction (see Office Action, p. 3, ln. 21 to p. 4, ln. 4). The Office

Action also cites col. 1, lns. 52-59 and col. 2, ln. 41 to col. 3, ln. 50 of Mailey et al. as disclosing the elements recited in the above statement (see id.). Applicants respectfully disagree.

In describing the background of the invention, col. 1, lns. 26-31 of Mailey et al. state "[c]ommonly, the trackball has been utilized to move a curser [sic] to selected regions of a video display. Upon reaching a desired position, e.g. a menu selection, the operator lifted his hand from the trackball and depressed a nearby selection button to indicate selection of the menu item associated with the curser."

As understood by Applicants, the disclosure of col. 2, ln. 41 to col. 3, ln. 50 of Mailey et al. describes the structural components of the trackball assembly and rotation sensing means (see Mailey et al., col. 2, lns. 41-68; col. 3, lns. 1-5), operation of the resolving means (see id., col. 3, lns. 6-28), and function of the selection device and transducer (see id., lns. 29-50).

It is respectfully submitted that neither of the sections of Mailey et al. described above and cited by the Office Action suggest or disclose an indication of a desired item out of a plurality of selection items displayed on display means when the selection operation means is operated in the first direction and changing a display layout when the selection operation means is operated in the second direction to change from a display listing selection items of high hierarchy in a first format to a display listing selection items of low hierarchy that are linked with the desired selection item in a second format, the first and second formats being recognizably

different, as recited in amended independent claim 5.

In contrast, in the presently claimed invention the menu screen has a hierarchical structure such that it may descend to submenu screens on a next lower layer by click operating the jog dial (see specification of the present application, col. 15, lns. 10-18; Figs. 27-31).

Referring to Fig. 27 of the present application, a set of menu screens W1 to W10 are located in the highest layer and may be accessed by rotation of the jog dial selection device. Figs. 28-31 of the present application illustrate menu screens in lower layers accessible by selection of a corresponding screen in the upper layer.

For example, Fig. 27 illustrates a first menu screen W1 corresponding to the "Telbook" item. By selecting the "Telbook" item, a new telephone number can be registered or, alternatively, the display may be switched to the lower level screen illustrated in Fig. 28 (A) by selection of the "Mode" item to set conditions for the use environment (see id., col. 15, lns. 11-27; Figs. 27-31). The "Mode" screen of Fig. 28 (A) contains four use environments available for selection, each controlling various functions such as ring volume, key lock, communications starting, and display flashing (see id., lns. 28-43).

It is respectfully submitted that neither Ahlberg et al. nor Mailey et al., alone or in combination, disclose or suggest an indication of a desired item out of a plurality of selection items displayed on display means when the selection operation means is operated in the first direction and changing a display layout when the selection operation means

is operated in the second direction to change from a display listing selection items of high hierarchy in a first format to a display listing selection items of low hierarchy that are linked with the desired selection item in a second format, the first and second formats being recognizably different, as recited in amended independent claim 5.

Furthermore, it is respectfully submitted that the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art itself suggested the desirability of the modification. See In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

Therefore, for at least the above-stated reasons, it is respectfully submitted that amended independent claim 5 and amended claim 6 are patentably distinct over the cited references.

Withdrawal of the rejection of claims 5 and 6 is respectfully requested.

The reference cited as of interest has been reviewed, but is not seen to show or suggest the present invention as recited in the amended claims.

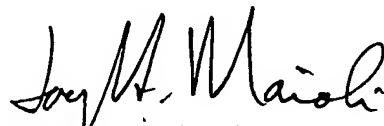
Should the Examiner disagree therewith, it is respectfully requested that the Examiner specify where in the cited document there is a basis for such disagreement.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search, because the functional aspects of the invention have merely been clarified in the amended claims.

The Office is hereby authorized to charge any additional fees which may be required in connection with this amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP


Jay H. Maioli
Reg. No. 27,213

JHM/AVF

VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Claims 5 and 6 have been amended as follows:

--5. (Twice Amended) A portable communication terminal apparatus comprising:

a body;

transmitting and receiving means arranged in said body; a rotatable jog dial selection device arranged on said body operable by a user in a first direction along a surface of said body and in a second direction substantially perpendicular to said first direction;

operation detection means for detecting an operation of said selection operation means in said first direction and in said second direction;

storage means for storing data of a plurality of selection items which are hierarchically arranged;

display means for displaying said plurality of selection items read out of said storage means; and

control means for controlling a position of a pointer to indicate a desired item out of said plurality of selection items displayed on said display means when said selection operation means is operated in said first direction and changing a display layout when said selection operation means is operated in said second direction to change from a display listing selection items of high hierarchy in a first format to a display listing selection items of low hierarchy that are

linked with said desired selection item in a second format,
said first and second formats being recognizably different,
wherein

 said first direction is circumferential relative to said
jog dial; and

 said second direction is radial relative to said jog
dial.

--6. (Twice Amended) The portable communication terminal
apparatus according to claim 5,

 wherein said control means causes said display means to
display a selection item of said high hierarchy on said
display together with said items of said low hierarchy [which]
that are linked with said selection item.--